

MINUTES
Montana Fish, Wildlife & Parks Commission Meeting
1420 East 6th Avenue – Helena Headquarters
Helena, MT 59620
MAY 17, 2007

Commission Members Present: Steve Doherty, Chairman; Shane Colton, Vice-Chair; Vic Workman; Dan Vermillion; Willie Doll.

Fish, Wildlife & Parks Staff Present: Jeff Hagener, Director, and FWP Staff.

Guests: See May 17, 2007 Commission file folder for those who signed in.

A Work Session preceded this meeting to discuss Fort Peck Hatchery funding, the wolf season setting process, the urban deer policy, VHS virus and baitfish, 2007 River Recreation Projects, the Livestock Loss Reduction and Mitigation Board nomination process, and legislative updates.

Topics of Discussion:

- 1. Opening - Pledge of Allegiance**
- 2. Approval of April 26, 2007 Commission Meeting Minutes**
- 3. Approval of April, 2007 Commission Expenses**
- 4. Scotty Brown Bridge Land Exchange – Final**
- 5. Kelly Island FAS Donation on the Clark Fork & Bitterroot Rivers – Tentative**
- 6. Petition for No-Wake Zone at White Sandy on Hauser Lake – Final**
- 7. Commission Decision Whether to Reissue Nonresident Deer Combination Licenses Split from Big Game Combos – Final**
- 8. 2007 Deer, Elk and Antelope Quotas – Tentative**
- 9. Antelope Season Opening Date – Final**
- 10. Season Extension (ARM Rule) – Endorsement**
- 11. HB 454 Hunting Access Agreements – Tentative**
- 12. 2007 Upland Game Bird Seasons – Tentative**
- 13. Wildlife Habitat Projects – Endorsement**
- 14. Mount Haggin Grazing Lease - Final**
- 15. Open Microphone – Public Opportunity to Address Additional FWP Issues**

1. Opening - Pledge of Allegiance. Chairman Doherty called the meeting to order at 1:00 p.m. and led the Pledge of Allegiance.

2. Approval of April 26, 2007 Commission Meeting Minutes.

Action: Colton moved and Vermillion seconded the motion to approve the minutes of the April 26, 2007 Commission meeting. Motion carried.

3. Approval of April, 2007 Commission Expenses.

Action: Colton moved and Workman seconded the motion to approve the Commission expenses as presented. Motion carried

Chris Hunter, FWP Fisheries Division Administrator, gave a brief update on the paddlefish fishing season at Intake. The season opened on Tuesday, May 15 and 225 paddlefish were harvested that day. On Wednesday, 201 fish were harvested, totaling nearly 430 fish in two days. Today, Thursday, is a catch and release day. Friday, tomorrow, will be at least a 300-fish harvest day, which is only 75 fish from the 800-limit that determines closure to fishing at Intake. It is likely the paddlefish fishing season will be closed Saturday morning at Intake, but there will still be other sites available for fishing on the Yellowstone. Doherty asked if notification of this possibility had been published. Hunter replied that a 24-hour notice will be posted prior to closure.

4. Scotty Brown Bridge Land Exchange – Final. Chris Hunter, FWP Fisheries Division Administrator, stated that FWP proposes to exchange seven acres of FWP land that bisects Tom Meredith's property, for one acre of his land along the Blackfoot River in Powell County. This exchange would resolve a longstanding river access issue. FWP, the landowners and the Nature Conservancy have worked together to make this exchange possible. Improvements would include redesigning the parking area, and developing an area for hand-launching boats. The exchange will be contingent on Powell County abandoning the right-of-way where the old bridge was. The land that FWP is exchanging was purchased with wildlife dollars, and now that that site is being used toward the development of a fishing access site, FAS dollars will be involved to replace the wildlife dollars.

Action: Workman moved and Doll seconded the motion for FWP to proceed with the land exchange as proposed, and develop the FAS as outlined in the EA, contingent on Powell County abandoning the right-of-way at the old bridge site, and on the availability of FAS monies for utilization in this project. Motion carried.

5. Kelly Island FAS Donation on the Clark Fork & Bitterroot Rivers – Tentative. Chris Hunter, FWP Fisheries Division Administrator, explained that FWP proposes to accept a donation of 40 acres of land adjacent to the Kelley Island FAS that is located on the Clark Fork and Bitterroot Rivers. The acreage consists of open grassy meadows and riparian vegetation with large cottonwoods and wetland pockets. The Clark Fork River corridor throughout the Target Range/Mullan area is designated as a Cornerstone in the Missoula Urban Area Open Space Plan, which means that such lands are a high priority for protection. This site is located within the 100-year flood plain and can only be accessed by boats or by foot. There are no structures or roads on the property.

The land is owned by four parties who want to sell it to an entity that will permanently protect the land as open space. They have agreed that Missoula will pay \$20,000 (\$500/acre) for the property; and FWP will pay for the land appraisal and closing costs (about \$3,200-3,500). The land will be deeded to FWP since it is adjacent to Kelly Island FAS, and will be maintained by the Department. Little cost is associated with maintaining the property, other than some weed control.

Action: Colton moved and Vermillion seconded the motion that FWP proceed with the proposed Kelley Island FAS land donation as presented. Motion carried.

6. Petition for No-Wake Zone at White Sandy on Hauser Lake – Final. Jim Kropp, FWP Enforcement Division Administrator, reminded the Commission that the Bureau of Land Management developed a recreation site at White Sandy on Hauser Lake, adjacent to FWP's Black Sandy recreation area, and for safety purposes has requested a 300-foot no-wake zone be imposed at the boat ramp and swimming areas. FWP has similar regulations in place at Black Sandy. Wardens will patrol the area for compliance. The public comment period generated one comment in support of the proposal, and one comment in opposition stating concerns that it will decrease skiing opportunity.

Action: Vermillion moved and Workman seconded the motion that FWP adopt a No-Wake Zone at White Sandy Recreation Area on Hauser Lake within 300 feet of docks and swim area or as buoyed. Motion carried.

7. Commission Decision Whether to Reissue Nonresident Deer Combination Licenses Split from Big Game Combos – Final. Sue Daly, FWP Chief of Finance, explained that when non-residents apply for big game combination licenses, they can choose to separate the deer license out and apply for an elk combination license only. After the drawing, those excess non-resident deer licenses are reissued, by rule, between the general, landowner-sponsored, and outfitter categories, primarily to the general and landowner-sponsored categories.

This year, 1,468 deer licenses were separated out. There are 1,354 licenses available in the general category, and 114 licenses available in the landowner-sponsored category. There are no licenses available in the outfitter category because the target quota has already been surpassed.

Action: Workman moved and Colton seconded the motion to reissue 114 separated deer licenses to nonresidents in the landowner-sponsored category and 1,354 separated deer licenses to nonresidents in the general category. Motion carried.

8. 2007 Deer, Elk and Antelope Quotas – Tentative. Quentin Kujala, FWP Wildlife Division Management Bureau Chief, presented the Deer, Elk and Antelope proposals.

Deer

Proposed changes to the 2006 Deer quotas are:

Region 1

HD 100-00 – increase antlerless WT B licenses from 500 to 600
HD 101-00 – increase antlerless WT B licenses from 600 to 750
HD 103-00 – increase antlerless WT B licenses from 400 to 500
HD 104-00 – increase antlerless WT B licenses from 400 to 500
HD 109-00 – increase antlerless WT B licenses from 300 to 400
HD 120-00 – increase antlerless WT B licenses from 300 to 500
HD 130-00 – increase antlerless WT B licenses from 500 to 650

Region 3

HD 318-00 – decrease antlerless mule deer B licenses from 50 to 25
HD 326-00 – increase antlerless mule deer B licenses from 500 to 800
HD 331-01 – increase antlerless mule deer B licenses from 150 to 250
HD 335-00 – increase antlerless mule deer B licenses from 150 to 200
HD 339-00 – increase antlerless mule deer B licenses from 250 to 350
HD 343-00 – increase antlerless mule deer B licenses from 250 to 300
HD 360-00 – increase antlerless mule deer B licenses from 25 to 75
HD 391-00 – increase antlerless mule deer B licenses from 50 to 100
HD 392-00 – increase antlerless mule deer B licenses from 50 to 100

Region 4

HD 400-00 – increase antlerless mule deer B licenses from 700 to 900
HD 401-00 – increase antlerless mule deer B licenses from 400 to 600
HD 404-00 – increase antlerless mule deer B licenses from 800 to 1200
HD 406-00 – increase antlerless mule deer B licenses from 400 to 600
HD 410-00 – increase antlerless mule deer B licenses from 300 to 600
HD 411-00 – increase antlerless mule deer B licenses from 600 to 800
HD 412-00 – increase antlerless mule deer B licenses from 600 to 800
HD 413-00 – increase antlerless mule deer B licenses from 500 to 600
HD 417-00 – increase antlerless mule deer B licenses from 300 to 400
HD 419-00 – increase antlerless mule deer B licenses from 125 to 300
HD 432-00 – increase antlerless mule deer B licenses from 300 to 400
HD 441-00 – increase antlerless mule deer B licenses from 150 to 500
HD 445-00 – increase antlerless mule deer B licenses from 500 to 600

Region 5

HD 530-00 – increase antlerless mule deer B licenses from 200 to 500
HD 530-01 – increase antlerless mule deer B licenses from 120 to 250
HD 570-00 – increase antlerless mule deer B licenses from 100 to 300

Region 6

HD 600-00 – increase antlerless mule deer B licenses from 200 to 500
HD 611-00 – increase antlerless mule deer B licenses from 300 to 500
HD 620-00 – increase antlerless mule deer B licenses from 300 to 600
HD 630-00 – increase antlerless mule deer B licenses from 650 to 800
HD 640-00 – increase antlerless mule deer B licenses from 300 to 400
HD 652-00 – increase antlerless mule deer B licenses from 25 to 100
HD 670-00 – increase antlerless mule deer B licenses from 600 to 1000
HD 680-00 – increase antlerless mule deer B licenses from 300 to 500
HD 690-00 – increase antlerless mule deer B licenses from 300 to 500
HD 699-00 – increase antlerless WT B licenses from 2500 to 3500

Action: Colton moved and Workman seconded the motion to approve the 2007 tentative Deer quotas as recommended by the Department.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried.

Elk

Proposed changes to the 2006 Elk quotas are:

Region 1

HD 101-00 – increase antlerless permits from 10 to 20
HD 109-00 – increase antlerless permits from 25 to 35
HD 110-00 – increase antlerless permits from 5 to 25
HD 121-00 – increase antlerless permits from 550 to 800

Region 3

HD 302-10 – increase BTB/antlerless permits from 300 to 400

HD 313-11 – decrease ES permits from 48 to 24

HD 318-00 – increase antlerless permits from 75 to 100

HD 332-20 – reduce ES permits from 300 to 250

Region 4

HD 401-00 – increase antlerless permits from 100 to 200

HD 410-00 – decrease antlerless permits from 600 to 400

HD 410-80 – decrease antlerless B licenses from 600 to 400

HD 412-00 – increase antlerless permits from 100 to 150

HD 412-20 – increase ES permits from 40 to 60

HD 425-00 – increase antlerless permits from 20 to 30

HD 425-01 – increase antlerless permits from 25 to 35

HD 425-02 – increase antlerless permits from 30 to 40

HD 425-20 – decrease ES permits from 5 to 2

HD 445-20 – increase ES permits from 40 to 50

HD 455-00 – increase antlerless permits from 25 to 50

HD 455-20 – increase ES permits from 70 to 75

Region 5

HD 570-20 – increase ES permits from 10 to 25

Region 6

HD 621-00 – increase youth antlerless permits from 50 to 100

HD 680-80 – decrease antlerless B licenses from 50 to 5

HD 690-00 – increase youth antlerless permits from 5 to 25

HD 690-20 – increase ES permits from 25 to 30

HD 690-80 – increase antlerless B licenses from 100 to 150

Action: Colton moved and Workman seconded the motion to approve the 2007 tentative Elk quotas as recommended by the Department.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried.

Antelope

Only two recommended changes were suggested for the 2007 Antelope quotas at this time, however additional recommendations may be brought before the Commission after the Antelope surveys are conducted in July.

Region 3

HD 310-00 – Increase ES licenses from 175 to 200

HD 310-10 – Increase doe/fawn licenses from 100 to 150

Action: Vermillion moved and Colton seconded the motion to approve the 2007 tentative Antelope quotas as recommended by the Department.

Montana Outfitters and Guides submitted a written request to increase the either sex antelope quota by 2,000 in Region 7. **John Ensign, FWP Region 7 Wildlife Manager**, said biologically, this request is feasible, however socially it may not be. Increasing the quota would increase the dilemma of finding places to hunt. If access was not a problem, it might be reasonable to increase the quota. The proposed quota takes care of resident hunters in the region, and provides twelve percent of the licenses to non-resident hunters. FWP feels it is best to leave things as they are this year and address the situation next fall.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried.

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This discussion happened near the end of the meeting, however it is in the antelope season section of the minutes, as that is what it pertains to. Chairman Doherty provided Mac Minard and Jay Bodner the opportunity to speak on this issue later in the meeting as they were not in attendance when the topic was discussed.

Mac Minard, MOGA, stated his organization has requested a quota increase of 2,000 antelope in Region 7 for outfitted clients and non-residents. He asked that the Commission present this quota change as a tentative proposal for public comment.

Jay Bodner, Montana Stockgrowers Association (MSA), stated his organization also submitted a letter to FWP asking for an antelope quota increase of 2,000 in Region 7. He said he made a number of phone calls to ascertain whether or not the increase was a good idea, and the consensus was that it was. MSA would like to see this increase go out as a tentative proposal for public comment.

Doherty stated that since the proposed tentative antelope quotas have already been approved by unanimous vote, the comments on behalf of MOGA and MSA will be taken into account as part of the comment period process prior to the final decision.

9. Antelope Season Opening Date – Final. Quentin Kujala, FWP Wildlife Division Management Bureau Chief, explained that the annual opening day of general antelope season was set, by Commission policy, to commence on the second Sunday in October. In most years that day falls on the Columbus Day weekend, and is two weeks prior to the general deer and elk opener. This year, because of calendar progression, the 2007 dates are such that the general antelope opener is the weekend after Columbus Day, and is only one week from the general deer and elk opener. The 2007 hunting season dates were approved in February 2006.

Public comment on the 2007 opening date was taken in the fall of 2006, and it was decided to abide by the pre-approved October 14 opening date since it had already been provided to the public. Now, however, after the antelope regulations have been printed and distributed, some folks have raised the issue of the dates once again.

Over 150 comments were received - approximately 70 percent requested changing the date. In response to those comments, the Commission adopted, at their April meeting, the tentative proposal to move the 2007 general antelope season back one week, from October 14, 2007 through November 11, 2007, to October 7, 2007 through November 4, 2007. This date change is for 2007 only.

Hagener stated that 5,875 applications had been received as of today. He said that enforcement problems could potentially arise because the regulations have already been printed and distributed with the October 14 opening date, and the November 11 closing date. He suggested retaining the November 11, 2007 closing date to alleviate some confusion. The biological impacts should be sustainable.

Action: Colton moved and Vermillion seconded the motion to set the 2007 Antelope hunting season dates to October 7, 2007 through November 11, 2007.

Colton stated that he is aware this change will be frustrating to some folks, but there is strong support for it. The general hunting public wants this, and it will increase harvest.

Doll said that this shouldn't impact people's plans as it adds one week in front of what was already there. It isn't opening day, but he said opening day often isn't the best day to hunt anyway.

Mac Minard, Montana Outfitters and Guides, said their organization is in favor of this date change.

Doherty said he feels the Commission should look at establishing a set date for the opening day. The comments from folks who had already requested time off from work and had made plans for opening day made a big impression on him. He is uncomfortable about changing things around at the last minute after people have made plans.

Workman stated that when the Commission says something, they need to follow through on it, and if something needs changed, it should not be changed at the last minute.

Vermillion said there are many people who are being accommodated by this change, and the longer season should help alleviate any adverse impacts on others. It appears to be a good solution, and unfortunately, it will not make everyone happy.

Colton said this date change would increase harvest by setting it on the three-day weekend and by retaining the existing closing date. Cooperators want more harvest. It is unfortunate for those who have scheduled plans.

Action on Motion: Motion carried. Four in favor – one opposed (Doherty).

10. Season Extension (ARM Rule) – Endorsement. **Quentin Kujala, FWP Wildlife Division Management Bureau Chief**, explained that ARM 12.9.1105 spells out criteria for limited season extensions for management of elk when harvest levels are substantially below objectives. The proposed edit to the Rule would provide management flexibility.

Action: Workman moved and Colton seconded the motion to proceed with editing the season extension ARM.

Chairman Doherty asked for public comment. There was none

Action on Motion: Motion carried.

11. HB 454 Hunting Access Agreements – Tentative. Quentin Kujala, FWP Wildlife Division Management Bureau Chief, explained that FWP has statutory authority (House Bill 454 -- 87-2-513 MCA) to issue either-sex or antlerless elk permits, for management purposes, to landowners who offer free public elk hunting and who comply with conditions stipulated in a contract between themselves and FWP. The contract defines the hunting area, the number of hunting days the landowner will allow, and any additional terms necessary to successful elk management. In return, the landowner receives one either-sex (411-21) permit. FWP also issues 4 additional 411-21 permits by random drawing from the list of unsuccessful applicants for that license permit type. The successful applicants can only hunt on that landowner's deeded property.

John Swanz has submitted the only application for this access agreement since 2002 when HB454 was passed. He has been approved each year, and it has proven to be a successful endeavor. The post-season evaluations have been positive, so no changes are recommended. It is hoped that other landowners will become aware of this process and submit applications.

Action: Colton moved and Workman seconded the motion to approve the tentative Swanz Hunting Access Agreement for the 2007 general hunting season. Motion carried.

12. 2007 Upland Game Bird Seasons – Tentative. Jeff Herbert, FWP Wildlife Division Assistant Administrator, explained that proposed adjustments for bag limits on upland gamebirds, particularly sage grouse, are brought before the Commission annually as part of the conservation strategy. Adaptive Harvest Management for sage grouse serves to annually assess populations and respond with adjusted bag limits. The current bag is four. Given heightened public awareness of sage grouse as a species of concern, and likely habitat impacts due to energy development, FWP proposes to drop the standard package sage grouse bag limit from four to three. Lek counts were done in April and May of 2007, and the results show that the average number of males per lek (33 males) was above the threshold for implementation of the standard package, and harvest was estimated at 4,500 birds.

In 2001, a dry year, there was a three bird bag limit in place. In 2003, when conditions were good with a lot of vegetation, the three bird bag resulted in an increased harvest of 7,800 sage grouse. In 2005, the restrictive package was triggered, which resulted in a harvest of 3,500 birds. In 2006, there was a four-bird bag limit, and harvest was estimated at 4,900 birds. Herbert said that harvest packages are determined by lek surveys.

Hagener said sage grouse are a legitimate concern because of the impacts of energy development, etc. It is a sensitive issue and must be dealt with.

Action: Workman moved and Vermillion seconded the motion to approve the 2007 sage grouse bag limit reduction from 4 to 3 as recommended by the Department.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried.

Colton moved and Vermillion seconded the motion to approve the 2007 upland game bird regulations as recommended by the Department.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried.

13. Wildlife Habitat Projects – Endorsement. Ken McDonald, FWP Wildlife Division Administrator, presented the proposed habitat projects. McDonald pointed out that there are several different funding sources for these projects. The Milk River Initiative is an example of where multiple sources of funding might be applied. This initiative's objective is to place 10,000 acres within the Milk River Riparian Zone under conservation easements or other appropriate strategies to conserve fish and wildlife communities including game and non-game species groups. These proposals are starting points from which negotiations will proceed. Upon Commission endorsement and successful negotiations, FWP will prepare and distribute environmental assessments and management plans, and will solicit public comment.

Cornwell Ranch Conservation Easement

The 130,000-acre Cornwell Ranch is located 10 miles northwest of Glasgow and extends north 24 miles in Valley County. The ranch includes 24,775 deeded acres and 104,000 DNRC & BLM acres in 9 allotments, and is managed as a working cattle ranch. It includes varying densities of timbered riparian habitat along 9 miles of the Milk River and 27 miles of major creeks. The mix of native grassland, shrub/grassland and riparian habitats; hay and grain fields; and the Milk River, makes the ranch important to white-tailed and mule deer, antelope, pheasants, sage grouse (4 leks), sharp-tailed grouse (3 leks), turkeys, waterfowl, fish, two Threatened/Endangered Species, 12 Montana State Species of Concern and numerous nongame species. The uplands and creek bottoms serve as winter range for mule deer, sage & sharp-tailed grouse and antelope.

Standard conservation easement covenants would protect the important native habitats, and 9 miles of the Milk River. Additional habitat enhancements would be implemented to expand riparian zones and improve uplands. Block management records suggest the ranch will accommodate at least 1,119 hunter days, provide access to 9 miles of the Milk River for fishing, and the entire ranch for other types of recreation. Public access is a part of the agreement.

Hagener explained that some of the easements take years to work out. The price of real estate is sky rocketing and if there are opportunities, FWP must take advantage of them.

Doll said he prefers that time limits be set on conservation easements, that he does not like agreements in perpetuity.

Action: Vermillion moved and Workman seconded the motion that the Department continue to pursue negotiations toward the purchase of a conservation easement from the Cornwell Ranch.

Chairman Doherty asked for public comment. There was none.

Motion carried. Four in favor – one opposed (Doll).

Crawford Property Acquisition

This is a fee simple acquisition proposal of 2,000 acres known as the Crawford property. Requested is FWP Commission endorsement of a course of action to initiate negotiations with the landowner, Mr. Clay Crawford, towards acquisition of this property adjacent to the Blackleaf Wildlife Management Area (WMA). The property shares a common boundary with the WMA (1 mile) and with the Lewis & Clark National Forest (1 ½ miles). The Property and the Blackleaf WMA are located in Teton County along the Rocky Mountain Front, 16 miles west of Bynum. The Property would be considered as an addition to the existing WMA and managed as such. No legal right-of-way access to the property exists, except by its common boundary with the WMA.

This property mirrors habitat and wildlife values on the existing Blackleaf WMA. Those Property values are described as a dominating 'fen' (permanent swamp) along Cow Creek, attendant riparian areas along Cow Creek, Hoy Coulee and Pings Coulee, aspen parklands and native grasslands of rough fescue/Idaho fescue and horizontal juniper. It represents the extension of the native prairie uplands as it breaks westward into the mountain foothills of the Front. Prominent features of this property proposal include: 1) the opportunity to provide additional public access to the Front, including USFS lands and the Cow Creek drainage; 2) continued protection of key wildlife and habitat values; 3) application of sound vegetation management practices to promote continued agricultural and wildlife values; 4) prominent wildlife species include elk, mule and white-tailed deer, both black and grizzly bear, moose, sharp-tailed grouse, long-billed curlew, northern bog lemming; alder flycatcher; 5) a motivated landowner (Mr. Crawford) who has approached the Department with an offer to sell. Landowner has expressed desire to see the property added as the newest addition to the Blackleaf WMA.

Colton asked if fee title purchases obligate FWP to keep the land forever. Hagener replied that the Department must go through the same formal process of selling land that it goes through to purchase land. When federal money is involved, there are additional steps that must be dealt with.

Action: Colton moved and Workman seconded the motion to initiate negotiations with the owner of the Crawford Property towards purchase in fee simple.

Chairman Doherty asked for public comment. There was none

Action on Motion: Motion carried.

Moline Ranch Conservation Easement

This is a conservation easement partnership proposal among the FWP Habitat Montana Program, the Montana Fish and Wildlife Conservation Trust, Pheasants Forever and other potential partners. Requested is FWP Commission endorsement of a course of action to initiate negotiations with the Moline Ranch (a family partnership) towards completion of a Conservation Easement. The 4,902-acre Moline Ranch is located 15 miles east of Geraldine in Chouteau County. The property is managed as a working ranch for cattle with its attendant and supporting dryland hay base, while maintaining and enhancing wildlife habitats throughout. The landowner currently allows hunting for big game, upland game birds and accommodates other recreational uses outside of the hunting seasons.

The ranch possesses 3,563 acres of sagebrush-grassland habitats, 1,289 acres dryland cropland and 50 acres of seasonal wetlands. Prominent features of this property proposal include: 1) the opportunity to perpetuate the agricultural and wildlife habitat values on the property; 2) a critical link in the remaining native sagebrush-grassland breaks habitats of the Arrow Creek drainage; 3) the ranch borders 14,160 acres of publicly inaccessible BLM and DNRC lands (thus, to become accessible) - total affected project area becomes approximately 19,000 acres; 4) prominent wildlife species include sharp-tailed and sage grouse, Hungarian partridge, mule deer, pronghorn antelope, prairie dogs, burrowing owls, long-billed curlews, sage thrashers and Ferruginous hawks; 5) a motivated landowner who desires to pass the ranch on to his children, to maintain the operational and agricultural nature of the ranch and to preserve open space and wildlife habitats.

Action: Workman moved and Colton seconded the motion to approve negotiations with the Moline Ranch towards purchase of a Conservation Easement

Chairman Doherty asked for public comment. There was none

Action on Motion: Motion carried. Four in favor – one opposed (Doll).

Sauer Farm Conservation Easement

The 1,361-acre Sauer Farm is located 9 miles east of Glasgow along the Milk River in Valley County. The property is managed as a working farm with some cattle grazing. It includes timbered riparian habitat along 3.7 miles of the Milk River and 2.5 miles of a periodically flooded oxbow. The farm includes 645 acres of native riparian and shrub grassland, and 716 acres of non-irrigated farmland. The mix of grain with riparian and upland cover, and the adjacent Milk River, makes it important to white-tailed & mule deer, antelope, pheasants, waterfowl, fish, two Threatened/Endangered Species, six Montana State Species of Concern, and many non-game species. The upland is important winter range for mule deer, and antelope migrating from the Hi Line and Canada.

Standard conservation easement covenants will protect the important native riparian and shrub/grass habitats, 2.5 miles of oxbow wetlands and 3.7 miles of the Milk River. Additional habitat enhancements will be implemented to expand the riparian habitats. Currently Mr. Sauer allows free public access for hunting, fishing and other recreation. Acquisition of a conservation easement will insure the farm remains accessible to the public. Block management records suggest 618 hunter days and 100-250 man-days of fishing and other recreation.

Action: Colton moved and Workman seconded the motion to approve negotiations to purchase a conservation easement from the Sauer Farm.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried. Four in favor – one opposed (Doll).

Milk River Ranch Fee Title Proposal

The 994-acre Milk River Ranch is located 5 miles west of Harlem along the Milk River in Blaine County. The property is managed as a working cattle and hay ranch. It includes timbered riparian habitat along 4.2 miles of the Milk River. The ranch includes 447 acres of native riparian habitat, 90 acres of native irrigated western wheatgrass meadows, 162 acres of irrigated alfalfa, 246 acres of non-irrigated crops and one farmstead (49 acres). The mix of riparian pasture along the Milk River, small fields of irrigated alfalfa and native hay, and non-irrigated grain makes this ranch important to white-tailed & mule deer, pheasants, sharp-tailed grouse, waterfowl, fish, one Threatened/Endangered Species, eight Montana State Species of Concern, many non-game species and possibly wintering antelope.

Fee title acquisition will protect the important native riparian habitats, and 4.2 miles of the Milk River. Additional habitat enhancements will be implemented to expand the riparian zones and plug a 40-acre drained wetland. Currently the owner, Rex Myhre, allows free public access for hunting, fishing and other recreation. Acquisition will insure the ranch remains accessible to the public. Block management records suggest 618 hunter days annually, and up to 100-250 man-days fishing and other recreation.

Action: Workman moved and Colton seconded the motion to support the Department's recommendation for a fee title purchase of the Milk River Ranch.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried.

Schroeder Ranch Conservation Easement

The 6,200-acre Schroeder Ranch is located along the east side of Highway 93 South, 10 miles south of Missoula, between Lolo and the proposed Bitterroot Ski Resort. The threat of habitat loss in that area is imminent. A development proposal fell through in March, but other development proposals could arise. Habitat includes intermountain grassland (3,500 acres in native rangeland), riparian (1 mile frontage on the Bitterroot River), and shrub-grassland (500 acres in bitterbrush patches, and 500 acres in sagebrush). This easement would provide elk and mule deer winter range (650 elk currently—could support 1,000 under FWP control – and several hundred deer). It provides a unique linkage area that connects the Northern Continental Divide Ecosystem with the Bitterroot Ecosystem for wide-ranging species such as grizzly, lynx, and wolverine, and it abuts the Maclay Conservation Easement (secured by Rocky Mountain Elk Foundation in April). This conservation easement would provide reasonable public access.

This easement will be a partnership with the Rocky Mountain Elk Foundation, the Missoula County Open Space Bond, the Schroeder family (donated property value), the Bitterroot Land Trust, the Five Valleys Land Trust, and FWP. FWP proposes to offer \$3 million from the Habitat Montana Program as seed money to attract and build the funding partnership. The fee value is \$25 million.

Action: Workman moved and Colton seconded the motion to support the Department's recommendation to proceed with negotiations to purchase a conservation easement from the Schroeder Ranch.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried. Four in favor – one opposed (Doll).

Olsen Ranch Conservation Easement

The 558-acre Olsen Ranch is located 1.5 miles northwest of Glasgow along the Milk River in Valley County. The property is managed as a working cattle and hay ranch. It includes timbered riparian habitat along 3.1 miles of the Milk River and 0.1 miles of Brazil Creek, emergent wetlands along a 1.4 mile oxbow, and a mix of small fields including native western wheat grass, and irrigated alfalfa and grain. The mix of fields and riparian cover, and the adjacent Milk River, makes this ranch important to white-tailed deer, pheasants, waterfowl, fish, two Threatened/Endangered Species, six Montana State Species of Concern and numerous non-game species.

Standard conservation easement covenants would protect the important native habitats, and 3.1 miles of the Milk River. Additional habitat enhancements would be implemented to expand the riparian zones along the Milk River and Brazil Creek oxbow. Currently free public access is not allowed. Acquisition of a conservation easement will open this ranch to free public hunting, access to the Milk River for fishing, and promote other types of public recreation. Block management records suggest 400 hunter days annually and 100-250 man-days of fishing and other recreation. The 4,000-acre Tampico Unit of the Page-Whitham Ranch Conservation Easement is located along the Milk River 3 miles to the west of the Olsen Ranch.

Action: Vermillion moved and Workman seconded the motion to support the Department's recommendation to purchase a conservation easement from the Olsen Ranch.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried. Four in favor – one opposed (Doll).

Bull River WMA – Noggle Creek Addition

This is a request for the Commission to endorse a course of action that would allow FWP to work with Plum Creek Timber (PCT), The Conservation Fund, Revette Minerals, the U.S. Forest Service, and other partners to acquire/conservate approximately 650 acres of PCT lands located directly north of the Bull River WMA, located south of Troy, Montana. FWP proposes to acquire approximately 200 acres of wildlife rich habitat and wetlands, for approximately \$1.3-\$1.6 million, directly north of the Bull River WMA. Revette Minerals working with the Conservation Fund, as part of their Rock Creek Mine mitigation package, would potentially acquire the remaining acres. Barring any FWP actions, PCT has preliminary approval from Lincoln County to subdivide the 570 acres of habitat. Because of wildlife, habitat, and recreational access concerns, FWP has expressed a strong interest in these lands. As a result, PCT is giving FWP and its partners until June 1, 2007 to develop an agreement/arrangement for purchase of some or all of these highly important wildlife lands. If an agreement for land conservation is not agreed upon by this time, PCT will begin construction of subdivision roads and other infrastructure, making an acquisition after this time nearly impossible.

Between 2000 and 2004, FWP, The Conservation Fund, and Avista Corporation cooperated to acquire about 3,000 acres of Plum Creek and Sterling Mining Company lands located at the headwaters of the Bull River and Lake Creek drainages to create the Bull River WMA. This area includes high value habitat for elk, moose, white-tailed deer, bull trout, grizzly bears, fisher, wolverine, and lynx. The original project used Avista fisheries habitat funds, bridge funding from The Conservation Fund, and U.S. Fish and Wildlife Service Habitat Conservation Plan funds. During the early negotiations, the partners proposed to acquire these PCT parcels north and east of the WMA, as they were critical for the continuity and integrity of this habitat/linkage area. Unfortunately, in 2004, PCT pulled these lands from the project because of their potentially higher economic return to PCT as development land. PCT is willing to consider a project now.

Action: Colton moved and Workman seconded the motion to support the Wildlife Division's recommendation to pursue acquisition of 200 acres of Plum Creek lands to add to the Bull River WMA.

Chairman Doherty asked for public comment. There was none

Action on Motion: Motion carried.

Brown Valley Conservation Easement

The Brown Valley Conservation Easement was secured in 1995 with over 1,800 acres adjoining the Threemile Wildlife Management Area, located about 7 miles southeast of Florence, in the Sapphire foothills, Ravalli County. In 2000, FWP added a 68-acre inholding to this conservation easement after it was purchased from Plum Creek Timber Company.

The Brown Valley Ranch and FWP would like to correct a quirk in the original easement boundary, by purchasing this 206-acre addition to the Brown Valley Conservation Easement at the price of \$222 per acre (\$46,000), the same price as in 1995 and 2000, thus including its entire upper Threemile Creek frontage within the easement. Currently, the boundary follows the road, which alternately includes and excludes the creek and riparian area.

Mrs. Brown's health is failing, and her family will obtain its inheritance from the sale of unprotected land value on the ranch. All parties have agreed to this minor addition to honor their mother while she lives.

The habitat includes intermountain grassland (180 acres in native rangeland), Riparian (26 acres), and will provide elk winter range (300 in this herd unit) and riparian for birds and small mammals. It is part of a rest-rotation grazing lease with FWP, and is part of a watershed initiative by FWP, Tri-State Water Quality Council, and others to reduce sedimentation in Threemile Creek.

In keeping with the 1995 easement and the 2000 addition, public access is not guaranteed by the terms of the easement. The landowner does allow limited hunting access.

Action: Workman moved and Vermillion seconded the motion to support the Department's recommendation to proceed with efforts to add 206 acres to the Brown Valley Conservation Easement.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried. Four in favor – one opposed (Doll).

Glass Property Acquisition

This is a fee simple acquisition proposal of 80 acres known as the Glass property. Requested is FWP Commission endorsement of a course of action to initiate negotiations with the landowner. Mr. Kenneth Glass towards acquisition of this isolated property on the Beckman Wildlife Management Area (WMA). The Beckman Wildlife Management Area and the property are located 12 miles NE of Denton in Fergus County. No legal right-of-way access exists.

The property mirrors habitat and wildlife values on the existing Beckman WMA. Those values are described as Ponderosa pine timbered breaks falling steeply to the Judith River. Prominent features of this property proposal include: 1) the opportunity to clarify land ownership patterns and eliminate potential trespass and confusion to hunters over property boundaries; 2) continued protection of key wildlife values predominated by the management objectives for mule deer and public deer hunting; 3) simplify land management functions to include weed control, grazing management and fence maintenance; 4) prominent wildlife species include mule and white-tailed deer, turkeys, bobcat and Ponderosa Pine/hardwood draw dependent species Hungarian partridge, mule deer, pronghorn antelope, prairie dogs, burrowing owls, long-billed curlews, sage thrashers and Ferruginous hawks.

Action: Colton moved and Workman seconded the motion to endorse the Department's recommendation to initiate negotiations with Mr. Glass to purchase, in fee, 80 acres adjacent to the Beckman WMA.

Chairman Doherty asked for public comment. There was none

Action on Motion: Motion carried.

Kootenai-Woods Ranch WMA-Dahm Addition

This is a request for the Commission to endorse a course of action that would allow FWP to use money from the Sheep Auction Fund, and potentially other partners, to acquire 17 acres of private land that is surrounded on 3 sides by the Woods Ranch WMA. The WMA and this inholding, currently owned by Martha Dahm, is approximately 7 miles north of Eureka, Montana. FWP proposes to acquire the 17 acres of critically important sheep habitat for approximately \$120,000 to \$150,000. Once acquired, the Dahm Property would become part of the Woods Ranch WMA. This property contains some of the best escape habitat for bighorn sheep on, or near, the WMA. In addition to bighorn sheep, the property is also important habitat for mule deer, elk, and blue grouse. A recent increase in subdivision activity in this immediate area makes this parcel especially vulnerable to development.

Martha Dahm and the Clark family have owned this parcel for many years. Due to its proximity within the WMA, FWP has had a formal agreement with Martha Dahm to manage this parcel as if it were part of the WMA. Located on the parcel is a historically significant lime kiln, perhaps the only one of its type in north Lincoln County. The bighorn sheep that inhabit this area are shared with Canada and are of a unique genotype referred to as "Trench Sheep". This is the only, viable herd of native sheep in NW Montana that are not the result of transplants from the Sun River herd.

Action: Workman moved and Vermillion seconded the motion to support the Department's recommendation to pursue acquisition of 17 acres from Martha Dahm to add to the Woods Ranch WMA.

Workman noted that he has land in that area for sale, and his brother is the listing agent, and he will realize no financial gain from this transaction.

Chairman Doherty asked for public comment. There was none

Action on Motion: Motion carried.

Charlie Lincoln Property Acquisition

The Charlie Lincoln property is located nine miles southwest of Shelby along the Marias River in Toole and Pondera counties. It consists of 7,540 deeded acres, 492 leased DNRC acres, and 833 leased BLM acres, and provides access to an additional 1,840 acres. The total deeded, accessible, and leased acreage is 10,706 acres.

The Marias River runs the entire length of the property from west to east, and consists of 14 miles of free-flowing, floatable river. The riparian bottom varies from one to 1-1/2 miles in width. The remaining topography consists of river breaks and associated drainages bordered by rolling hills and plateaus. The habitat is primarily native vegetation with the exception of some old alfalfa fields along the river.

Mr. Lincoln recently passed away, and willed the property to the Helena Diocese of the Catholic Church. The Gift of the ranch to the Catholic Bishop of Helena, according to paragraph 8 of the will dated August 14, 1990, is qualified as follows: FWP "shall have the right to meet the high bid, and to acquire" the ranch if it is sold by the Estate or the Catholic Bishop of Helena. This clause is known as a right of first refusal and gives FWP first dibs on the ranch should the Bishop desire to sell.

Because of the conservation, recreation, and ecological values of this property, it is of high priority for conservation. Also because of these multiple values, this will be a multiple program effort to include Wildlife, Fisheries and Parks/FAS. We will also be seeking as many NGO partners as possible.

Hagener said this is an important acquisition. There are no wildlife management areas or fishing access sites in this area. If sold by the church, it will likely go to a private buyer. Discussions have begun, and FWP is in the process of scheduling a meeting with the bishop to determine what the church plans to do.

Action: Doherty moved and Workman seconded the motion to endorse the Department's recommendation to initiate negotiations towards fee title acquisition of the Charlie Lincoln Property.

Workman said this is a fabulous property, and there is word on the street of a sealed bid auction in June, so FWP must take action now.

Doherty said this is a great acquisition and has historic value relative to the Lewis and Clark expedition.

Chairman Doherty asked for public comment. There was none

Action on Motion: Motion carried.

14. Mount Haggin Grazing Lease – Final. Ken McDonald, FWP Wildlife Division Administrator, explained that this is a renewal of a very successful grazing lease with Willow Glen Ranch, which consists of 2560 AUMs over 16,500 acre area. The ranch is now for sale, and the prospective buyer would like to have the Mount Haggin lease. The lease is for two years to give the new owner of Willow Glen and FWP a chance to see if the partnership will continue successfully.

Action: Colton moved and Doll seconded the motion to approve the Mt. Haggin WMA/ Willow Glen Grazing lease as recommended by the Department.

Chairman Doherty asked for public comment. There was none.

Action on Motion: Motion carried.

15. Open Microphone – Public Opportunity to Address Additional FWP Issues

Hagener inquired if the Commissioners would like FWP to arrange a field trip prior to the June Commission meeting to look at some FWP projects and issues in the Columbus area. The Commission discussed various sites to see, including the fire area from the burn last summer, and decided to conduct the tour on Wednesday, May 13, the day prior to the meeting on the 14th.

Vermillion asked FWP to provide an assessment of the status of fisheries in that area, and an account of how the region monitors the fisheries.

Workman stated that he would like FWP to once again review the poisoning of the twenty-one lakes in the south fork of the Flathead. It has been discussed at length and he is convinced that the poisoning should not be continued. He said there are inconsistencies on what staff knows and doesn't know, and on what they say. It looks like a pet project by a bureaucracy. The Commission has no oversight on it, and it is inappropriate. It is a significant project, and he contends the Commissioners and the public have been misled. FWP needs to attain significant biology behind it to make it work, and at this point nobody knows if it will work. The public deserves more than that.

Workman said FWP staff had claimed that there were barriers between the twenty-one lakes and the reservoirs, but there isn't. The hybrid fish in some of the lakes that have been treated were large before they were poisoned out - now the fishing is not near the quality it was. Fishing opportunities are eliminated for years to come, and it is unknown whether the goal of attaining pure trout will be accomplished. The point up to last month was to keep cutthroat trout from being placed on the endangered species list, and now it is to promote all native species. When Whale Lake was poisoned seven years ago, the public was told that within three years there would be a better fishery in that lake, but there still isn't after 7 years.

Action: Workman moved and Colton seconded the motion to adjourn the meeting. Motion carried.

Meeting adjourned at 3:40p.m.

Steve Doherty, Chairman

M. Jeff Hagener, Director